



CETA, REGULATORY COOPERATION AND FOOD SAFETY

SUMMARY

European Union member state parliaments have the right and responsibility to ratify or cancel the EU's trade deal with Canada, in spite of its preemptive entering into force on 21 September 2017. However, from this day onward many CETA provisions, including those relevant to regulatory cooperation, will apply provisionally in the absence of unanimous endorsement of member state parliaments. In the interest of an informed decision, member state parliaments must urgently confront a series of critical questions regarding CETA, including its implications for European food and agriculture, EU law, and the precautionary principle.

CETA, in common with all trade agreements, will reduce tariffs in order to increase cross-border trade. However, CETA goes well beyond this traditional focus, and to an unprecedented degree seeks to influence the development of domestic policies in the EU and Canada, with the goal of reducing business costs and limiting regulation. Stronger EU food and agricultural policies are most at risk of weakening.

Agricultural and food standards are among those targeted by CETA's focus on eliminating so-called 'non-tariff barriers'. Food systems differ significantly between Canada and the European Union. Canada has weaker food safety standards than the EU, and a farm economy more heavily dependent on chemical inputs and genetically modified organisms (GMOs). These factors effectively prohibit increased Canadian exports of key products to the EU, creating a powerful economic incentive for Canada and its largely industrialised agricultural sector to weaken or eliminate EU food and agricultural policies that stand in their way.

More stringent EU rules include, for instance, stricter limitations on the production and sale of genetically modified (GM) crops and food products, mandatory labelling for food with GM ingredients, and for many products, identifying the country of origin (see also Briefing Paper 2). EU rules also restrict the use of growth hormones and antimicrobial chemical washes in meat production and processing, and include stronger animal welfare protections and restricting cloning. (See also Briefing Paper 3).

CETA incorporates a toolbox of deregulatory measures strongly advocated by transnational corporations. These include 1) requiring licensing regulations to be 'as simple as possible', 2) so-called 'regulatory cooperation' initiatives to synchronise regulations over time toward a single transatlantic standard, 3) special rules to promote trade in biotechnology, and 4) new risk assessment standards that will undermine the EU's more precautionary approach to regulation, especially in the application of the precautionary principle where scientific information is limited or not definitive.

Canada's prior experience in implementing the North American Free Trade Agreement (NAFTA) illustrates the threat to legislation. The high degree of integration within the US and Canadian agricultural markets spurred by NAFTA resulted from both lowering tariffs and harmonising food safety regulations.¹ The NAFTA experience suggests that deregulatory initiatives such as those in CETA, even if technically 'voluntary', lead to a harmonisation of standards towards the lowest common denominator in a process that lacks transparency and gives industry stakeholders preferred access.



Over two decades since NAFTA came into effect, the Canadian government has “gradually deregulated, under-regulated and moved toward industry self-reporting in order to ‘reduce the burden’ on business”.² It justified these actions by invoking a need for regulatory cooperation. The result has been a deterioration in food safety standards, reduced concern about the risks associated with toxic chemicals, and a greater willingness to allow pesticide residue contamination in foods.³

Canadian agribusiness strongly advocated for regulatory cooperation in CETA, and the industry is not waiting for CETA’s ratification to advance its deregulatory agenda. Canadian agribusiness is already objecting to the continued existence of stricter EU food safety standards, saying they are inconsistent with CETA and a problem that must be resolved. The Canadian meat producing, packing and processing industries have complained of ‘technical barriers’ that remain in place even after CETA’s signing that prevent export of their products to the EU.⁴

In parliamentary hearings, the Canadian Cattlemen’s Association conditioned its support of CETA with a demand for “a commitment from the government of Canada to develop and fully fund a comprehensive strategy utilising technical, advocacy and political skills to achieve the elimination of the remaining non-tariff barriers to Canadian beef”.⁵ There is no question that the industry, with its allies in Canada’s trade and agriculture ministries, is poised to take full advantage of CETA to push its agenda to weaken EU standards.

IN CONTRAST TO EU AGRICULTURAL PRACTICES, CANADA RELIES HEAVILY ON CHEMICAL INPUTS AND GENETIC ENGINEERING, AND ALLOWS INTERNATIONALLY BANNED ADDITIVES AND PROCESSES

Canada is a significant cultivator of genetically engineered crops. Canada is one of just five countries that together account for 90 percent of genetically engineered crops in the world. Globally, it was the fifth-largest producer in 2015.⁶ Genetically modified varieties account for a very large percentage of four crops grown in Canada – canola (rapeseed), corn (maize), soy and sugar beet. Canola is Canada’s biggest crop and accounts for one-fifth of all farmland,⁷ and fully 95 percent of Canadian-grown canola is genetically modified (GM).⁸ Most canola is exported.⁹

Rampant use of GMOs has led to several problems, including a dramatic rise in herbicide use and threats to biodiversity.¹⁰ Canada’s GM crops are engineered for insect resistance and herbicide tolerance, and are specifically designed for use with Monsanto’s herbicide ‘Roundup’.¹¹ The active ingredient of Roundup is glyphosate, classified as ‘probably carcinogenic’ by the World Health Organisation,¹² the use of which has resulted in five glyphosate-resistant weeds in Canada.¹³ GMOs also threaten biodiversity, as they readily spread through ecosystems via cross-pollination and interbreeding.¹⁴ In Canada, genetically modified canola is so pervasive that it can be found in products that are purported to be GMO-free, such as honey.¹⁵

In contrast, only one genetically modified crop, a corn variety, is authorised for cultivation in the EU, and it is grown in an insignificant quantity in Spain and Portugal.¹⁶ In 2015, GM crops were being grown on only 0.14 percent of the arable land in all of Europe.¹⁷ EU Directive 2015/412 allows EU member states to restrict or prohibit the cultivation of genetically modified organisms in their territory. Seventeen member states (Austria, Bulgaria, Croatia, Cyprus, Denmark, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland and Slovenia) and three regions (Wallonia in Belgium, and Scotland and Wales in the UK) have done so.¹⁸

Canada has weak oversight of GM crops and food, and doesn't require labelling. Both Canada and the EU regulate GM crops and foods as 'novel foods' and require prior approval of biotechnology-derived products, but there are significant differences in the practical application of their rules.¹⁹ Canada's approach to risk assessment gives industry more control over the information relied on by regulators, and limits the scope of evaluations of risks and hazards.²⁰

The Canadian system collects limited and largely industry-generated data about GM crops, has approved more products for production or sale (including genetically modified salmon, apples and potatoes), has weak oversight functions, and provides consumers with little information about what is in their food.²¹ The Canadian government does not require labelling,²² even though public opinion surveys conducted over 20 years consistently show that more than 80 percent of Canadians support the labelling of GM foods.²³

GM SALMON IN CANADA

The difference between Canada's fast-track approvals of GMOs and limited regulation compared to the EU's approach is illustrated by Canada's speedy approval and sale of genetically modified salmon. In March 2016, Health Canada, a federal institution, and the Canadian Food Inspection Agency (CFIA) approved AquaAdvantage Salmon, the first genetically modified animal to be approved for human consumption in the country.

Health Canada did not require labelling, instead giving the production firm AquaBounty Technologies the option of labelling the product voluntarily.²⁴ According to a report released in August 2017, about 4.5 tonnes of GM salmon fillets have already been sold in Canada – without labelling.²⁵ This means that Canadians have been consuming GM salmon without their knowledge.

Reportedly, AquaBounty wanted prompt approval of its GM salmon eggs in order to export them to China, Argentina, Brazil and Panama, and pressured CFIA to fast-track safety tests on these eggs.²⁶ Several Canadian civil society organisations challenged the approval of GM salmon in court, arguing that the Canadian government's assessment did not adequately consider the potential environmental impact of GM salmon.^{27 28} The court ruled in favour of the Canadian government, thus upholding its inadequate environmental assessment.

Canada's parliamentary Standing Committee on Agriculture and Agri-Food conducted a study in late 2016 on GM animals for human consumption. Its recommendations included greater transparency in the regulatory system for GM animals, and mandatory labelling and traceability systems.²⁹ To date, the government has failed to act on these recommendations and Canada still lacks transparency, mandatory labelling, and traceability of GM foods. CETA may boost salmon exports from Canada to the EU by lowering tariffs and expanding quotas.³⁰

Given the absence of labelling and traceability in Canada, and considering that GM salmon is not authorised in the EU, each import of Canadian salmon would need to be tested in order to avoid the import of any GM fish.

In contrast, the EU mandates the labelling of foods containing more than 0.9 percent of GM ingredients, and requires farmers and food and feed manufacturers to track GMOs and GM food and feed at all stages of the supply chain.³¹ The EU focus on traceability is key to effective oversight and labelling, and underpins the EU's stricter regulation of inadvertent GM contamination of foods.

Canada's weak oversight of the GMO supply chain has led to contamination of foods intended for export and created conflict with EU regulators; in 2009, EU regulators turned back cereals, bakery products, baking mixes and nut/seed products found to have been contaminated with GM flax not approved for human consumption, except in Canada and the US.³² While EU regulators have a zero-tolerance policy requiring goods contaminated with non-approved GMOs to be withdrawn from the market, Canada has promoted international standards that allow for GMO contamination.³³

Canada allows the use of growth promotion drugs, including hormones and antibiotics, a practice banned in the EU. The EU prohibited the use of growth hormones for farm animals in 1996, and the ban applies both to member states and imports from non-EU countries.³⁴ This ban has been maintained and expanded over many years based on a series of scientific opinions on the risks to human health, which found that 'no acceptable daily intake could be established for any of these hormones' and that oestradiol 17 β , in particular, is 'considered a complete carcinogen'.³⁵

Since 2006, the EU has also banned the use of any antibiotics in animal feed for growth promotion purposes.³⁶ Routine antibiotic use in animals – for growth promotion and overall disease prevention in crowded conditions – is contributing to widespread antimicrobial resistance through superbugs that have mutated after exposure to these drugs.³⁷ This phenomenon poses a serious threat to global public health, as medicines become ineffective in combatting human infections, leading to deaths.³⁸

By contrast, growth hormones have been widely used in beef cattle in Canada since the 1960s.³⁹ Health Canada (the federal body that regulates and approves the use of products from a health perspective) has approved the use of six hormonal growth promoters in beef cattle: three natural hormones (progesterone, testosterone and estradiol-17 β), and three synthetic hormones (trenbolone acetate, zeranol and melengestrol acetate).⁴⁰ Health Canada dismisses health concerns about hormone use in meat production, unlike its EU counterpart.⁴¹ Canada also allows use of antibiotics for growth promotion in the production of meat and poultry products.⁴² Canada and the US have attacked the EU ban on growth hormones in WTO dispute settlement procedures.⁴³ CETA provides

them with new avenues to challenge the EU's ban on growth hormones.

The Canadian meat industry applies chemical washes after slaughter as a cheap substitute for good hygiene throughout production, making EU-banned practices a standard in Canada. As in the US, in Canada, animal carcasses and parts are often cleaned with chemicals after slaughtering.⁴⁴ Health Canada allows a wide range of chemical washes for use on beef or poultry, including antifreeze and chlorine bleach.⁴⁵

The EU has taken a markedly different 'farm to fork' approach to food hygiene and safety. This policy reflects European consumers' public health concerns and clear preference for meat that has not undergone any chemical treatments.⁴⁶ Since 1997, the EU has required that only water may be used to wash poultry carcasses for sale in the European market. Other treatments, including peroxyacids and chlorine, have not been approved to date based on insufficient evidence of efficacy, and because of concerns about increasing the risk of antimicrobial resistance.⁴⁷

Until recently, the water-only policy applied to beef as well. Pressured by the US government and the meat industry in 2013 when negotiations for TTIP (the US-EU trade deal) were active,⁴⁸ the EU modified the prohibition with respect to beef, allowing use of lactic acid in slaughterhouses to decontaminate beef carcasses, half-carcasses, and beef quarters.⁴⁹

CETA'S REGULATORY COOPERATION PROVISIONS PUT EU FOOD STANDARDS AT RISK

The Canadian government has a history of initiating and participating in challenges at the World Trade Organisation (WTO) against food safety standards of the EU and other trading partners, including against country of origin labelling,⁵⁰ biotechnology (including GMO) review and approval procedures,⁵¹ and bans on hormones in beef.⁵² CETA provides additional opportunities for such challenges by both governments and transnational corporations.

Through its regulatory cooperation provisions, CETA effectively institutionalises a preference for weaker standards. As Canada lacks many of the EU's food safety standards and has a farm economy heavily dependent on practices banned or restricted in the EU, there is a powerful economic incentive to use CETA to undermine these standards. This is because tariff reductions alone will fail to provide the promised economic benefits. Advocating for regulatory cooperation in CETA and other trade deals, the president and CEO of the Canadian Chamber of Commerce made the case: "In some cases, we're looking at a 1,700%-increase in price for a Canadian product abroad, once you factor in the costs of regulatory conformity."⁵³

What is regulatory cooperation? At its heart, regulatory cooperation is a cross-border process for early review and collaboration on regulations to align standards so that they are as similar as possible. The result is generally to move to an international standard that is less protective of the public interest, and in many cases drafted with heavy industry involvement.⁵⁴ Other regulatory cooperation elements include requiring impact assessments of proposed and existing regulations to identify and eliminate anything perceived as a trade barrier. This paves the way for corporate challenges to environmental, food safety and other public interest regulations that stand in the way of increased trade.

Regulatory cooperation also includes mutual recognition agreements that allow imports of products even when countries continue to have different standards.⁵⁵ This means that Canada’s weak food safety or GMO contamination standards could be declared ‘equivalent’ in a mutual recognition agreement, allowing currently banned products to be imported into the EU.

Regulatory cooperation provides corporations with a powerful toolkit to use in secretive international meetings, enabling them to convince regulators to roll back public interest regulations. Multiple rounds of industry review and new layers of cost-benefit analysis will delay necessary public protections or even prevent their adoption.^{56 57} The focus is on cutting costs – not improving health and safety.⁵⁸ CETA follows this model, establishing mechanisms to scrutinise new and existing regulations at the earliest stages of their development to ‘prevent and eliminate unnecessary barriers to trade and investment’, and to pursue ‘regulatory compatibility, recognition of equivalence, and convergence.’⁵⁹

CETA’s regulatory cooperation is mislabelled as ‘voluntary’. Supporters of CETA claim that regulatory cooperation activities are purely voluntary as stated in CETA Article 21.2 (6),⁶⁰ and thus of no concern. In fact, both Canada and the EU are bound by the regulatory cooperation mechanism to try to synchronise their regulations over time.⁶¹ This deregulation focus is embedded throughout CETA in:

- The chapter on technical regulations emphasising compatibility of standards, targeting the EU’s GMO and country-of-origin labelling requirements, as well as more comprehensive chemical and pesticide protections.⁶²
- The required biotechnology market access dialogues focused on “asynchronous” approvals and “accidental release of unauthorised products”, squarely aims at increasing the EU’s approvals of GMOs and changing its policy of zero tolerance on contamination.⁶³
- The rules seeking to declare food safety standards “equivalent”, to allow the sale of non-conforming products such as exports of “chlorine chicken” and

other meats (even though the EU’s farm-to-fork approach to hygiene and Canada’s chemical-based meat washes represent radically different systems of food safety).⁶⁴

- The requirement that licensing regulations (broadly defined) “are as simple as possible, and do not unduly complicate or delay the supply of a service, or the pursuit of any other economic activity,”⁶⁵ a deregulation mandate that could apply to many food-related activities, including meat processing.⁶⁶

Alarming, in addition to these chapter-by-chapter requirements, CETA includes a comprehensive regulatory cooperation chapter intended to apply across virtually every area of domestic policy (Chapter 21). In addition to encouraging information exchanges and bilateral discussions, this chapter includes a provision urging Canada and the EU to jointly establish a “common scientific basis” which, if effected, could severely erode the EU’s precautionary principle in order to further the agribusiness ambition of more market access.⁶⁷ While the activities outlined in the chapter are technically “voluntary”, a refusal to participate must be explained to the other party, and the entire process is overseen by the Regulatory Cooperation Forum (RCF) and the powerful CETA Joint Committee.

The CETA Joint Committee has broad authority to make decisions binding on both Canada and the EU and to resolve any issues concerning implementation and interpretation of the agreement. **While the scope of its authority is unclear, legal questions have been raised about the extent to which domestic policy changes could be made through the Joint Committee without consultation with parliamentary bodies.**⁶⁸ The RCF, made up of high-level officials from each government, appears to be modelled on a regulatory cooperation body established between Canada and the US following NAFTA. The NAFTA experience shows that even voluntary regulatory cooperation lowers standards, reduces transparency, and increases corporate influence on the regulatory process [see box].



REGULATORY COOPERATION UNDER NAFTA – A BAD MODEL FOR CETA

Canada has experience with regulatory cooperation under the North American Free Trade Agreement (NAFTA). NAFTA spurred the integration of US and Canadian agricultural markets by lowering tariffs and harmonising food safety regulations.⁶⁹ US-Canada regulatory harmonisation under NAFTA has been heavily influenced by multinational corporations, and has included a focus on pesticide standards and research, food safety systems, labelling and food processing.⁷⁰

Even though these harmonisation initiatives have been voluntary, the Canadian government ‘used the excuse of North American cooperation as a justification’ to avoid improving the regulation of toxins, food safety and biotechnology.⁷¹ Since NAFTA, Canada has “gradually deregulated, under-regulated and moved toward industry self-reporting in order to ‘reduce the burden’ on business.”⁷² Food safety standards have deteriorated.⁷³ Canada, once a leader in the assessment and regulation of toxic chemicals, has fallen significantly behind the EU.⁷⁴ Canada and the US both have weak standards allowing pesticide residue contamination in foods, and harmonisation initiatives in North America have helped keep these regulations industry-friendly.⁷⁵

In 2011, a US-Canada Regulatory Cooperation Council (RCC) was created to coordinate regulatory harmonisation efforts.⁷⁶ Composed of senior regulatory, trade and foreign affairs officials, the RCC institutionalised prior regulatory cooperation activities conducted through ad-hoc working groups.⁷⁷ The RCC relies heavily on industry guidance and participation. For example, just three of 24 regular members of an RCC technical committee to assess the risk of new and existing chemicals represent health or environmental concerns; most members represent industries.⁷⁸

An RCC initiative to harmonise meat inspection, certification and processing to be “more coherent, streamlined and less cumbersome”, has adopted a work plan directly from the North American meat lobby: “to the greatest extent



possible, implement the Canadian Meat Council (CMC) and the North American Meat Institute (NAMI) proposal to streamline export requirements”.⁷⁹ The industry-written meat plan is one of several RCC initiatives that aims at “simplification” in order to “reduce or eliminate certain inspection activities, certifications and administrative procedures concerning food safety”.⁸⁰

Details are not available on the RCC website, which provides limited information about either the committee’s process or the substance of its decisions.⁸¹ This lack of transparency, coupled with a heavy reliance on industry policy proposals, should raise red flags about the Regulatory Cooperation Forum established in CETA, which appears to be modeled on the RCC.⁸²

The Canadian government, allied with agribusiness, is already acting to undermine food safety through CETA's regulatory cooperation measures. The Canadian meat industry and other industry groups have long advocated for CETA and for international regulatory cooperation, and they are clear about their intended goal: to get around, either directly or indirectly, EU standards that prevent the sale of Canadian products in EU markets or those that add to the cost of production.⁸³

Industry groups have explicitly sought to adopt the NAFTA model in CETA. As Perrin Beatty, president and CEO of the Canadian Chamber of Commerce put it: "government can provide the leadership to remove these hurdles. Through initiatives like the Canada-US Regulatory Cooperation Council, by building regulatory cooperation measures into trade agreements and by providing industry with dashboards to evaluate progress, we can make Canadian companies more competitive."⁸⁴ There are strong parallels between NAFTA's RCC and the Regulatory Cooperation Forum established in CETA, including an open door for industry participation in working groups.⁸⁵

Canadian industry is not waiting for CETA's ratification to advance its deregulatory agenda. While welcoming the trade deal with the EU, Canadian agribusiness has made clear its objection to the continued existence of stricter EU food safety standards, saying they are inconsistent with CETA and a problem that must be resolved. Soy Canada, "the national association uniting all groups driving the Canadian soybean industry", has complained that the EU is delaying approving GMO soy products, with Executive Director Jim Everson stating that EU "commitments made in CETA negotiations are not being honoured".⁸⁶

The Canadian meat producing, packing and processing industries have complained of 'technical barriers' that remain in place even after CETA's signing, which prevent export of their products to the EU.⁸⁷ Ron Davidson of the Canadian Meat Council has said that it won't be possible to take advantage of the import quotas in CETA unless "technical negotiations regarding microbial treatments and the equivalence of our meat inspection systems" are resolved in Canada's favour.⁸⁸ In parliamentary hearings, the Canadian Cattlemen's Association conditioned its support of CETA implementing legislation with a demand for 'a commitment from the government of Canada to develop and fully fund a comprehensive strategy utilising technical, advocacy and political skills to achieve the elimination of the remaining non-tariff barriers to Canadian beef'.⁸⁹

The Canadian government appears anxious to make that commitment. Canadian Agriculture Minister Lawrence MacCauley says he has already raised the complaints about the ban on chemical washes with EU officials and that talks are ongoing.⁹⁰ Reportedly, Canada has plans to submit

official applications to the EU to have two antimicrobial products approved for carcass treatment.⁹¹

Because so many of the EU's food standards are far more protective than Canadian regulations – including limitations on GMOs and cloning, food labelling, restrictions on growth promotion drugs and on antimicrobial chemical washes, animal welfare protections and pesticide exposure limits – they are at significant risk of being 'harmonised' downward, or challenged as an unfair restraint on trade.

Unless the parliaments of EU member states act now to block CETA ratification, we can expect Canada to use CETA's new regulatory cooperation tools to respond to agribusiness demands to attack stricter EU food standards, and to effectively halt efforts to strengthen protections on both sides of the Atlantic.

ENDNOTES

- 1 Zahniser, Steven, Sahar Angadjivand, Tom Hertz, Lindsay Kuberka, and Alexandra Santos. "NAFTA at 20: North America's Free-Trade Area and Its Impact on Agriculture." A Report from United States Department of Agriculture Economic Research Service, February 2015. <https://www.ers.usda.gov/publications/pub-details/?pubid=40486>
- 2 Trew, Stuart. "From NAFTA to CETA: Corporate lobbying through the back door." Canadian Centre for Policy Alternatives, Corporate Europe Observatory, Forum Umwelt und Entwicklung and LobbyControl, February 2017. <https://www.policyalternatives.ca/publications/reports/nafta-ceta-corporate-lobbying-through-back-door.p.20>.
- 3 Ibid.
- 4 Canadian Meat Council. "Canadian Meat Industry Welcomes European Approval of CETA: Awaits Resolution of Technical Barriers." Press release, February 15, 2017.

<http://www.cmc-cvc.com/sites/default/files/news-releases/Canadian%20Meat%20Industry%20Welcomes%20European%20Parliament%20Approval%20of%20CETA%20Awaits%20Resolution%20of%20Technical%20Barriers.pdf>; Canadian Cattlemen's Association. "CCA welcomes signing of CETA, urges resolution of barriers to beef trade." News release, October 30, 2016. <http://www.cattle.ca/assets/Article/CCA-News-Release-10-30-2016-CCA-welcomes-signing-of-CETA-urges-resolution-of-barriers-to-beef-trade.pdf>
- 5 Standing Committee on International Trade. "Evidence Thursday, November 17, 2016." Parliament of Canada. <http://www.ourcommons.ca/DocumentViewer/en/42-1/CIIT/meeting-45/evidence#int-9239224>
- 6 Canadian Biotechnology Action Network (CBAN). "Where in the world are GM crops and foods?" Last updated March 30, 2015. <https://gmoinquiry.ca/wp-content/uploads/2015/03/where-in-the-world-gm-crops-foods.pdf> p. 7
- 7 Statistics Canada. "2016 Census of Agriculture." <http://www.statcan.gc.ca/daily-quotidien/170510/dq170510a-eng.htm> (accessed July 13, 2017).
- 8 CBAN, "Where in the world are GM crops and foods?" 2015. p.15-19. GM varieties account for more than 80% of the grain corn (used for feed); at least 60% of the soybeans; and almost 100% of white sugar beets. These are estimates based on industry and US government data, since the Canadian government does not have statistics on GM crop plantings except for Quebec and Ontario. See Table 001-0072 in Statistics Canada, "Estimated areas, yield, production of corn for grain and soybeans, using genetically modified seed, Quebec and Ontario, in metric and imperial units." <http://www5.statcan.gc.ca/cansim/a26?lang=eng&retrLang=eng&id=0010072&&pattern=&stByVal=1&p1=1&p2=31&tabMode=-dataTable&csid=> (accessed July 13, 2017).
- 9 CBAN. "Where in the world are GM crops and foods?" 2015. p.16.
- 10 Hakim, Danny. "Doubts About the Promised Bounty of Genetically Modified Crops," New York Times, October 29, 2016. <https://www.nytimes.com/2016/10/30/business/gmo-promise-falls-short.html?action=click&contentCollection=Business%20Day&module=RelatedCoverage®ion=EndOfArticle&pgtype=article>. Canadian adoption of GM crops is similar to that in the U.S., where data from the U.S. Geological Survey shows the spraying of herbicides has risen by 21% since the introduction of GM crops 20 years ago.
- 11 CBAN. "Where in the world are GM crops and foods?" 2015. p. 6.
- 12 World Health Organization. "IARC Monographs Volume 112: evaluation of five organophosphate insecticides and herbicides." International Agency for Research on Cancer (IARC), March 20, 2015 <https://www.iarc.fr/en/mediacentre/iarcnews/pdf/MonographVolume112.pdf>
- 13 CBAN. "GMOs in Canada: At a Glance." CBAN Briefing Note, February 2017. <https://cban.ca/wp-content/uploads/gmos-in-canada-at-a-glance-2017.pdf> (accessed August 30, 2017).
- 14 Greenpeace International. "Genetic Engineering." 2016. <http://www.greenpeace.org/international/en/campaigns/agriculture/problem/genetic-engineering/> (accessed July 24, 2017).
- 15 Bär, Karl. "CETA and Genetic Engineering." In Making Sense of CETA: An analysis of the final text of the Canada-European Union Comprehensive Economic and Trade Agreement, edited by Hadrian Mertins-Kirkwood, Scott Sinclair, Stuart Trew, Laura Große, Peter Fuchs, Anna Schüler, Ines Koburger. Berlin and Ottawa: PowerShift and CCPA, 2016.
- 16 Treat, Sharon, and Sharma, Shefali. "Selling Off the Farm: Corporate Meat's Takeover Through TTIP." Institute for Agriculture and Trade Policy (IATP), July 2016. <https://www.iatp.org/selling-off-the-farm> p.53
- 17 CBAN. "Where in the world are GM crops and foods?" 2015. p.7
- 18 Treat & Sharma. "Selling Off the Farm." 2016. p.55
- 19 For overview of Canadian regulations, see Health Canada, Regulating Agricultural Biotechnology in Canada: An Overview, accessed July 13, 2017: <http://www.inspection.gc.ca/plants/plants-with-novel-traits/general-public/overview/eng/1338187581090/1338188593891>. For EU regulations, see European Commission. "Novel Food: Legislation." Last updated April 7, 2017. https://ec.europa.eu/food/safety/novel_food/legislation_en (accessed May 3).
- 20 Latham, Jonathan. "The Biotech Industry Is Taking Over the Regulation of GMOs from the Inside." Independent Science News, July 19, 2017. <https://www.independentsciencenews.org/environment/the-biotech-industry-is-taking-over-the-regulation-of-gmos/print/>
- 21 Council of Canadians. "Food Safety, Agriculture and Regulatory Cooperation in the Canada-EU Comprehensive Economic and Trade Agreement (CETA)." August 30, 2016: <https://www.tni.org/en/publication/food-safety-agriculture-and-regulatory-cooperation-in-the-canada-eu-comprehensive>.
- 22 The Health Canada website states: "Labelling is an important means to inform the consumer about product facts. Discussions are underway concerning the various ways to communicate information on products that are derived through genetic engineering." <http://www.inspection.gc.ca/plants/plants-with-novel-traits/general-public/overview/eng/1338187581090/1338188593891>.
- 23 CBAN. "Where in the world are GM crops and foods?" 2015. p. 22. In the most recent poll, 83% of Canadians believe that GM foods should be subject to mandatory labelling. See Angus Reid Institute. "Canadians unclear on definition of 'GMOs', but want mandatory GMO labeling anyway." Press Release, August 9, 2017. <http://angusreid.org/wp-content/uploads/2017/08/2017.08.09-GMOs.pdf>
- 24 Health Canada. "Frequently Asked Questions: AquAdvantage Salmon." Last updated May 19, 2016. <https://www.canada.ca/en/health-canada/services/food-nutrition/genetically-modified-foods-other-novel-foods/approved-products/frequently-asked-questions-aquadvantage-salmon.html>

- 25 Gallegos, Jenna. "About 4.5 tonnes of GMO salmon consumed in Canada so far, company says." *Toronto Star*, August 4, 2017. <https://www.thestar.com/news/canada/2017/08/04/about-45-tonnes-of-gmo-salmon-consumed-in-canada-so-far-company-says.html>
- 26 McDiarmind, Margo. "CFIA fast-tracked tests on genetically modified salmon eggs for exports, documents suggest." *CBC News*, January 11, 2017. <http://www.cbc.ca/news/politics/genetically-modified-salmon-cfia-aquabounty-1.39295>
- 27 Canadian Biotechnology Action Network (CBAN). "GE Fish." <https://cban.ca/gmos/products/ge-animals/ge-fish/> (accessed May 3, 2017).
- 28 Cook, Joanne, and Sharratt, Lucy. "GM Salmon Swim to Court." *Food Secure Canada, News and Media*. <https://foodsecurecanada.org/resources-news/news-media/gm-salmon-swim-court> (accessed May 3, 2017).
- 29 House of Commons Standing Committee on Agriculture and Agri-Food. "Genetically modified animals for human consumption." Report. 42nd Parliament, 1st Session, December 2016. <http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=e&Mode=1&Parl=42&Ses=1&DocId=8674228>
- 30 <https://www.seafoodsource.com/commentary/eu-and-canada-gear-up-for-seafood-trade-rush>
- 31 European Commission. "Traceability and labelling." http://ec.europa.eu/food/plant/gmo/traceability_labelling/index_en.htm (accessed July 14, 2017). A gap in this standard is the exception for products such as eggs, meat and dairy that were produced with GM feed, which is approved for use in the EU. Since the EU imports nearly 70% of its feed requirements, most of which are GM varieties, this is a significant loophole. See, also Treat & Sharma. "Selling Off the Farm." 2016. p.53.
- 32 Canadian Biotechnology Action Network (CBAN). "CETA's 'Bilateral Cooperation on Biotechnology.'" April 2015 http://www.gmo-free-europe.org/fileadmin/files/gmo-free_europe/CBAN_International_Briefing_CETA_2015.pdf. The European Commission's Rapid Alert System for Food and Feed confirmed the contamination, and Canadian flax exports were quarantined and turned back, causing significant economic damage in Canada. For details see www.cban.ca/flax.
- 33 Bär, Karl. "CETA and Genetic Engineering." 2016.
- 34 Oestradiol 17β, testosterone, progesterone, xeranol, trenbolone acetate and melengestrol acetate have been prohibited since Directive 81/602/EEC in 1981. http://ec.europa.eu/food/safety/chemical_safety/meat_hormones/index_en.htm. The 1996 ban was enacted in Directive 96/22/EC and amended in 2003 in Directive 2003/74/EC in response to the bovine spongiform encephalopathy (BSE) outbreak. See European Parliament and the Council of the European Union. "Council Directive 81/602/EEC of 31 July 1981 concerning the prohibition of certain substances having a hormonal action and of any substances having a thyrostatic action." <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:31981L0602>; European Parliament and the Council of the European Union. "Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC." <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01996L0022-20081218>.
- 35 European Commission. "Antimicrobial Resistance." Last updated January 24, 2017. http://ec.europa.eu/dgs/health_food-safety/amr/index_en.htm (accessed May 31, 2017).
- 36 This step was taken in an effort to reduce the emergence of bacteria and microbes resistant to antibiotics. See European Parliament and the Council of the European Union. "Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition." <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32003R1831>
- 37 World Health Organization. "Antimicrobial resistance." Fact sheet. Last updated September 2016. <http://www.who.int/mediacentre/factsheets/fs194/en/> (accessed July 24, 2017).
- 38 European Commission, EFSA. Antimicrobial resistance remains high, says EU report. 22 February 2017. <https://www.efsa.europa.eu/en/press/news/170222>
- 39 Canadian Animal Health Institute. "Hormones." <https://www.cahi-icsa.ca/food-animal-health/hormones.aspx> (accessed May 31, 2017).
- 40 Health Canada. "Questions and Answers - Hormonal Growth Promoters." Last updated September 25, 2012. http://www.hc-sc.gc.ca/dhp-mps/vet/faq/growth_hormones_promoters_croissance_hormonaux_stimulateurs-eng.php (accessed May 31, 2017.)
- 41 Ibid.
- 42 Some antibiotics (e.g. chloramphenicol, its salt or derivatives) are prohibited for administration to animals that produce food or are intended for consumption (Food and Drug Regulations). Revised rules adopted in 2017 to improve regulatory oversight of antimicrobials for veterinary use failed to restrict antibiotics for growth promotion purposes. *Canada Gazette*. "Regulations Amending the Food and Drug Regulations (Veterinary Drugs – Antimicrobial Resistance)." SOR/2017-76 May 5, 2017. <http://www.gazette.gc.ca/rp-pr/p2/2017/2017-05-17/html/sor-dors76-eng.php>
- 43 Lynn, Jonathan. "EU seeks WTO case to test hormone-treated beef rules." *Reuters*, December 22, 2008. <https://www.reuters.com/article/us-trade-wto-food/eu-seeks-wto-case-to-test-hormone-treated-beef-rules-idUSTRE4BL49A20081222> (accessed August 31).
- 44 Thomsen, Berit. "CETA's threat to agricultural markets and food quality." In *Making Sense of CETA: An analysis of the final text of the Canada-European Union Comprehensive Economic and Trade Agreement*, edited by Hadrian Mertins-Kirkwood, Scott Sinclair, Stuart Trew, Laura Große, Peter Fuchs, Anna Schüller, Ines Koburger. Berlin and Ottawa: PowerShift and CCPA, 2016.
- 45 Bureau of Chemical Safety, Food Directorate, Health Products and Food Branch. "Antimicrobial Processing Aids for Which Health Canada Has Issued a Letter of No Objection (LONO) or an interim Letter of No Objection (iLONO)." December 17, 2015. [http://www1.agric.gov.ab.ca/\\$Department/deptdocs.nsf/all/fs14754/\\$FILE/antimicrobialaids.pdf](http://www1.agric.gov.ab.ca/$Department/deptdocs.nsf/all/fs14754/$FILE/antimicrobialaids.pdf). This document lists nine pages of chemical washes, sprays and gasses approved by the government, including propylene glycol (antifreeze), calcium hypochlorite (chlorine bleach), hydrochloric acid, lactic acid, hydrogen peroxide, and sulfuric acid.
- 46 Treat & Sharma. "Selling Off the Farm." 2016. p. 50, see endnotes 274. BEUC. 2014. p.10. http://www.beuc.eu/publications/beuc-x-2014-052_cpe_beuc_position_paper-use_of_peroxyacetic_acid_on_poultry_carcases_and_meat.pdf. A survey of 1,406 UK adults in 2011 found 60% of respondents unlikely to buy chicken that had been sprayed or washed with a mild acid such as lactic acid, and 67% unlikely to buy chicken that had been treated with chlorine. In a study in Finland, nearly 90% of respondents said they would not choose chemically treated poultry meat. A 2007 survey in Denmark found chlorine washes on meat to be "totally unacceptable" to 85% of respondents.

- 47 Treat & Sharma. "Selling Off the Farm." 2016. p. 50, see endnotes 272, 273.
- 48 Ibid., p. 50.
- 49 European Food Safety Agency (EFSA). "Decontamination substances." <https://www.efsa.europa.eu/en/topics/topic/decontamination-substances> (Accessed June 6, 2017.)
- 50 World Trade Organization. "DS384: United States — Certain Country of Origin Labelling (COOL) Requirements." https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds384_e.htm (accessed July 20, 2017).
- 51 World Trade Organization. "DS291: European Communities — Measures Affecting the Approval and Marketing of Biotech Products the EC-Biotech Case." https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds291_e.htm (accessed May 30, 2017).
- 52 World Trade Organization. "DS48: European Communities — Measures Concerning Meat and Meat Products (Hormones)." https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds48_e.htm. (accessed May 30, 2017).
- 53 Statement of Perrin Beatty, quoted in: Guillaum Dubreuil. "Canadian Chamber of Commerce Identifies Regulatory Barriers as Biggest Threat to International Trade." Canadian Chamber of Commerce Blog, April 13, 2016. <http://www.chamber.ca/media/news-releases/160413-cdn-chamber-identifies-regulatory-barriers-as-biggest-threat-to-international-trade/> (accessed July 17, 2017).
- 54 Trew, Stuart. "From NAFTA to CETA: Corporate lobbying through the back door." Canadian Centre for Policy Alternatives, Corporate Europe Observatory, Forum Umwelt und Entwicklung and LobbyControl, February 2017. <https://www.policyalternatives.ca/publications/reports/nafta-ceta-corporate-lobbying-through-back-door>
- 55 The European Consumer Organisation (BEUC). "Optimising Regulatory Coherence in TTIP: Need to Focus on Regulators, Not Regulations." 2015. http://www.beuc.eu/publications/beuc-x-2015-107_-_lau-regulatory-cooperation-in-ttip.pdf.
- 56 Bank, Max, Ronan O'Brien, and Lora Verheecke. "More cooperation for less regulation." In Making Sense of CETA: An analysis of the final text of the Canada-European Union Comprehensive Economic and Trade Agreement, edited by Hadrian Mertins-Kirkwood, Scott Sinclair, Stuart Trew, Laura Große, Peter Fuchs, Anna Schüler, Ines Koburger. Berlin and Ottawa: PowerShift and CCPA, 2016.
- 57 Treat & Sharma. "Selling Off the Farm." 2016. p. 67-71
- 58 Ibid.; Bank, O'Brien & Verheecke. "More cooperation for less regulation." 2016.
- 59 CETA Article 21.2.4
- 60 "The Parties may undertake regulatory cooperation activities on a voluntary basis".
- 61 Thomsen. "CETA's threat to agricultural markets and food quality." 2016.
- 62 The chapter on technical regulations (including food and GMO labelling) makes cooperation mandatory ("The Parties shall strengthen their cooperation...in order to facilitate trade"), CETA Article 4.3, and regulators in both Canada and the EU are to "undertake to cooperate to the extent possible, to ensure that their technical regulations are compatible with one another", CETA Article 4.4.
- 63 CETA Article 25.2.
- 64 CETA Article 5.60.
- 65 CETA Chapter 12 (Domestic Regulation). Article 12.3.7
- 66 Gould, Ellen. "Limiting How and What Government Regulates." In Making Sense of CETA: An analysis of the final text of the Canada-European Union Comprehensive Economic and Trade Agreement, edited by Hadrian Mertins-Kirkwood, Scott Sinclair, Stuart Trew, Laura Große, Peter Fuchs, Anna Schüler, Ines Koburger. Berlin and Ottawa: PowerShift and CCPA, 2016.
- 67 CETA Article 21.4(n)(iv). Bank, O'Brien & Verheecke. "More cooperation for less regulation." 2016. The Canadian "risk management" approach to regulating is similar to that used in the US, where most chemicals and products need not be proven safe before entering the market (the exception being pharmaceuticals) (See Treat & Sharma 2016, p.70-74), whereas under the EU's precautionary principle the burden of proof rests with the producer, manufacturer or importer to show the absence of hazard. The Canadian government has been called "ambivalent" about applying the precautionary principle (See Council of Canadians. "Food Safety, Agriculture and Regulatory Cooperation in the CETA." 2016. p.10,30. Its approach to evaluating the risks of biotech minimises the review of potential risks and has been lauded by the biotech industry. See Latham. "The Biotech Industry Is Taking Over the Regulation of GMOs from the Inside." 2017.
- 68 Stoll, Peter-Tobias, Patrik Holterhus, and Henner Goett. "The regulatory cooperation planned between the European Union and Canada as well as the USA according to the CETA and TTIP drafts". English summary of a legal opinion for the Austrian Arbeiterkammer Wien, June 2015. https://media.arbeiterkammer.at/wien/PDF/studien/The_regulatory_cooperation_ttip_ceta.pdf
- 69 Zahniser et al. "NAFTA at 20." 2015.,
- 70 Trew "From NAFTA to CETA: Corporate lobbying through the back door." 2017.
- 71 Ibid. p. 19.
- 72 Ibid. p. 20.
- 73 Sinclair, Scott and Mertins-Kirkwood, Hadrian. Making Sense of CETA: An analysis of the final text of the Canada-European Union Comprehensive Economic and Trade Agreement, edited by Hadrian Mertins-Kirkwood, Scott Sinclair, Stuart Trew, Laura Große, Peter Fuchs, Anna Schüler, Ines Koburger. Berlin and Ottawa: PowerShift and CCPA, 2016. p. 69. An audit conducted by the US Food Safety and Inspection Service (FSIS) in 2014 and released in 2016 found that there were significant food safety issues in CFIA's inspection systems for meat, poultry and egg products. The audit found weaknesses in government oversight, sanitation and microbiological testing and inadequate inspection resources. See: Food and Safety Inspection Service (FSIS), United States Department of Agriculture. "Final Report of an Audit Conducted in Canada, May 28 - June 13, 2014." January 14, 2016. <https://www.fsis.usda.gov/wps/wcm/connect/13607606-3ff1-40ab-a63e-8f8bb191ae4a/2014-Canada-FAR.pdf?MOD=AJPERES>; Food Safety First. "US meat inspectors identified sanitation issues in Canadian plants in 2014 audit." Media story, March 6, 2016. <http://www.foodsafetyfirst.ca/2016/03/06/us-meat-inspectors-identified-sanitation-issues-in-canadian-plants-in-2014-audit/>
- 74 Trew. "From NAFTA to CETA: Corporate lobbying through the back door." 2017. p.10.

- 75 David Suzuki Foundation. "The Food We Eat: An International Comparison of Pesticide regulation." 2006. p. 22: <http://davidsuzuki.org/publications/reports/2006/the-food-we-eat-an-international-comparison-of-pesticide-regulations/>, cited in Trew. "From NAFTA to CETA: Corporate lobbying through the back door." 2017.14. See also: Council of Canadians. "Food Safety, Agriculture and Regulatory Cooperation in the CETA". 2016. pp7-8.
- 76 See, for example, RCC Canada Newsletter. February 2016. http://trade.gov/rcc/documents/PCO_Newsletter_Feb_2016_EN.pdf, and 2016 annual work plans posted here: <http://trade.gov/rcc/>; O'Brien, Ronan. "Moving Regulation out of Democratic Reach: Regulatory Cooperation in CETA and its Implications." Working paper, Reihe der AK Wien, September 2016. http://www.akeuropa.eu/en/publication-full.html?doc_id=422&vid=37
- 77 These included the Technical Working Group on Pesticides established in 1996. See Council of Canadians. "Food Safety, Agriculture and Regulatory Cooperation in the CETA." 2016.
- 78 Trew. "From NAFTA to CETA: Corporate lobbying through the back door." 2017. See RCC discussion at pp.10-15, and Table 1 at p.12-13 listing committee membership: https://www.policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2017/02/From_NAFTA_to_CETA.pdf. As this report noted, "the American Chemistry Council, which played a significant lobbying role in Europe to postpone a proposed ban on pesticides containing harmful endocrine disruptors (EDCs), has three seats on the technical working group (four if you count the alternate)."
- 79 "2016-2017 RCC Work Plan – Meat." <http://www.trade.gov/rcc/documents/2016%20RCC%20Meat%20Inspection%20Work%20Plan.pdf> (accessed August 2017).
- 80 Zahniser et al. "NAFTA at 20" 2015. p. 52.
- 81 The industry plans are not linked to the RCC web site, nor could they be found on the meat associations' websites. International Trade Administration. "U.S.-Canada regulatory Cooperation Council." <http://www.trade.gov/rcc/> (accessed July 28, 2017).
- 82 CETA Article 21.6.
- 83 For example, the Canadian Cattlemen's Association "has been working on the CETA from the outset of negotiations in 2009, engaging with the Canadian negotiating team and conducting advocacy with key EU and Member State officials and industry representatives. CCA representatives attended numerous negotiating rounds in Brussels and Ottawa and met regularly with the Canadian negotiators of CETA to ensure they clearly understood the needs of Canada's beef sector." Canadian Cattlemen's Association (CCA). "Market Access." Accessed June 7, 2017. <http://www.cattle.ca/advocacy/lobbying-issues/market-access/>. See also: Canadian Pork Council. "CPC Participates in Mission to Capture CETA Benefits." Press Release, May 13, 2016. http://www.cpc-ccp.com/news_article.php?id=362.
- 84 Canadian Chamber of Commerce. News Release. "Canadian Chamber of Commerce Canadian Chamber of Commerce Identifies Regulatory Barriers as Biggest Threat to International Trade". News Release, Ottawa, April 13, 2016. <http://www.chamber.ca/media/news-releases/160413-cdn-chamber-identifies-regulatory-barriers-as-biggest-threat-to-international-trade/>
- 85 CETA Article 21.8; Article 26.2.4
- 86 Radio Canada International. "Canadian GMO soy producers, EU, and the CETA trade deal." May 3, 2016. <http://www.rcinet.ca/en/2016/05/03/canadian-gmo-soy-producers-eu-and-the-ceta-trade-deal/>
- 87 Canadian Meat Council. "Canadian Meat Industry Welcomes European Approval of CETA: Awaits Resolution of Technical Barriers." Press release, February 15, 2017.
- <http://www.cmc-cvc.com/sites/default/files/news-releases/Canadian%20Meat%20Industry%20Welcomes%20European%20Parliament%20Approval%20of%20CETA%20Awaits%20Resolution%20of%20Technical%20Barriers.pdf>; Canadian Cattlemen's Association. "CCA welcomes signing of CETA, urges resolution of barriers to beef trade." News release, October 30, 2016. <http://www.cattle.ca/assets/Article/CCA-News-Release-10-30-2016-CCA-welcomes-signing-of-CETA-urges-resolution-of-barriers-to-beef-trade.pdf>
- 88 Newmark, Liz, and Mandy Kovacs. "EU meat industry voices concern over CETA." GlobalMeatNews, November 1, 2016. <http://www.globalmeatnews.com/Industry-Markets/EU-meat-industry-concerned-by-CETA>
- 89 Standing Committee on International Trade. "Evidence Thursday, November 17, 2016." Parliament of Canada. <http://www.ourcommons.ca/DocumentViewer/en/42-1/CIIT/meeting-45/evidence#Int-9239224>
- 90 Johnson, Kelsey. "Livestock carcass washing rules remain a Canada-EU irritant despite CETA," iPolitics. May 11, 2016. <http://ipolitics.ca/2016/05/11/livestock-carcass-washing-rules-remain-a-canada-eu-irritant-despite-ceta/>
- 91 Duckworth, Barbara. "Canadian export officials miffed over CETA import regulations." The Western Producer, March 2, 2017. <http://www.producer.com/2017/03/canadian-export-officials-miffed-over-ceta-import-regulations/>

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